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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, October 24, 1994  
7:30PM

The regularly scheduled public meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:50PM, following the advertised Public Hearing for the Proposed Zoning Ordinance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
Jack C. Fox, Supervisor  
Bruce G. Horrocks, Township Manager  
John Rice, Township Solicitor's Office  
C. Robert Wynn, Township Engineer  
George E. Egly, Chief of Police  
Barbara Hefner, Administrative Secretary

A. APPROVAL OF MINUTES:

Action on the Minutes of September 26, 1994 Supervisors Meeting -  
Supervisor Bennington noted the following corrections:

- Page 5, paragraph four, the word "emmint" should be "eminent".
- Page 6, second last paragraph, second sentence should read "I'm not going to agree to anything **without input from adjacent property owners.**"

With regard to Page 24, second paragraph, Supervisor Bennington asked Supervisor Fox for clarification of his statement. Supervisor Bennington asked if Supervisor Fox was implying that Supervisor Bennington and Chairman Bennett had taken bribes or were unduly influenced by outside sources. Supervisor Fox believes Supervisor Bennington and Chairman Bennett received phone calls from certain people. Supervisor Bennington asked for a retraction of that original statement or an apology. Supervisor Fox refused.

Supervisor Bennington quoted page 1388 of the Law Dictionary, the definition of the word "slander", which states "The speaking of base and defamatory words tending to prejudice another in his reputation, community standing, office, trade, business. Oral definition is the speaking of false and malicious words concerning another, whereby injury results to his reputation."

Supervisor Bennington read a written statement into the record, a copy of which is attached to these minutes.

Chairman Bennett noted there are quite a few typographical errors in this set of minutes, and he will address those following this meeting.

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Supervisor Fox noted the following corrections:

- Page 6, fourth paragraph, third line, the word "rule" should be changed to the word "**rural**"
- Page 6, sixth paragraph, the word "**they**" should be inserted between the words "said" and "actually"
- Page 7, third paragraph, the fourth sentence requires clarification.
- Page 12, second paragraph, the first sentence requires clarification.
- Page 14, first full paragraph, sixth line up from the end of the paragraph, should read....**Perkasie** and Pennridge Regional might **have** left dogs overnight.
- Page 17, first paragraph, last sentence should read "If there are no permits for **this** property, then we should take proper action."
- Page 20, middle of first paragraph, the sentence should read "Solicitor Eberle said when Bedminster advertised their ordinance for adoption there were quite a few more people that showed up than the five that showed up in **New Britain**."
- Page 21, last paragraph, second line from bottom, the word "**way**" should be deleted.
- Page 29, seventh paragraph, first line, the word "**to**" should be deleted.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 26, 1994 Board of Supervisors Meeting, as corrected.

Minutes of the October 10, 1994 Supervisors Worksession Meeting: -  
Supervisor Fox noted the following corrections:

- Page 3, last paragraph, second line from bottom, the word "Trustees" should be deleted, and the words "**First Fidelity**" should be inserted.
- Page 5, last paragraph, third line, the word "paved" should be deleted, and the word "**paid**" should be inserted.
- Page 5, last paragraph, fifth line from bottom, the word "watt" should be deleted, and the word "**connection**" should be inserted.

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- Page 5, last paragraph, fourth sentence, the word "**unless**" should be deleted.
- Page 6, fourth paragraph, fifth line, the word "borough" should be deleted, and the word "**borrow**" should be inserted.
- Page 8, fourth paragraph, first line needs clarification.
- Page 8, fourth paragraph, last sentence, the words "**to be**" should be deleted.
- Page 8, sixth paragraph, second sentence, the word "was" should be deleted, and the word "**were**" should be inserted.
- Page 11, second paragraph, number 8, the word "**from**" should be inserted between the words "keep" and "walking"
- Page 16, second paragraph, third sentence, the word "**totter**" should be deleted, and the word "**together**" should be inserted.
- Page 17, fourth paragraph, eleven lines from bottom of paragraph, the word "**unrenounced**" should be deleted, and the word "**denounced**" should be inserted.
- Page 18, first paragraph, third line from bottom, the words "**of**", and "**sort of**" should be deleted.
- Page 24, third paragraph, fourth line, the word "**would**" should be inserted between the words "**he**" and "**get**"
- Page 25, last paragraph should read "**Supervisor Fox said the original concept behind this was that they would have a field in use and another field for when the first was over-used.**"
- Page 26, seventh paragraph, first sentence, the word "**himself**" should be replaced with the word "**he**"

Supervisor Bennington noted the following corrections:

- Page 18, fourth paragraph, following the third sentence, the statement "**Mr. Young replied yes.**" should be inserted.
- Page 24, last paragraph, second sentence should read "**Then why can't Town Watch be utilized to patrol the basketball court.**"

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 10, 1994 Supervisors Worksession Meeting, as corrected.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List for payment October 25, 1994, with a General Fund payment in the amount of \$22,055.49, a State Highway Aid total in the amount of \$4,845.51, for a grand total of all funds in the amount of \$26,901.00.

Chairman Bennett asked for clarification of the bill from Tarrant Manufacturing Co. on page 4 in the amount of \$2,147.50. Supervisor Bennington believes that bill is for the discharge assembly for the leaf mulcher.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List for payment October 25, 1994, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager -

Mr. Horrocks presented the Treasurer's Report with the following balances as of October 24, 1994:

General Fund Checking Account	\$ 140,722.31
Payroll Checking Account	\$ 262.59
Fire Fund Checking Account	\$ 76,159.69
Debt Service Investment Checking Account	\$ 135,307.37
State Highway Aid Checking Account	\$ 85,779.72
Escrow Fund Checking Account	\$ 141,382.21

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated October 21, 1994, subject to audit.

D. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Ms. Violet Siegfried - Friends of Pierce Library - Ms. Siegfried, president of the Friends of the Samuel Pierce Branch of the Bucks County Free Library, explained this organization operates a thrift shop in the former Municipal Building. Ms. Siegfried is in attendance to request a continuation of the lease, for as many years as the Supervisors are willing to give, in order to continue utilizing the former municipal building for the thrift shop. The thrift shop is the organization's biggest fund raiser, helping the library and the community in general.

Supervisor Bennington suggested this request be forwarded to the Park and Recreation Board for their recommendation, and the Board was in agreement. Mr. Horrocks noted the former municipal building will be requiring some repairs during the coming year.

2. Mr. Dave Servan, Rovin' Restaurants, Inc. - Mr. Servan, president of Rovin' Restaurants, Inc., who is the mobile industrial catering company, located at Hilltown Pike and Rt. 309, between the Sunoco Station and the Hilltown Fire Company. Rovin' Restaurants has been located at its present location since 1969, and Mr. Servan is the third generation of his family to be involved in this business. Mr. Servan advised the company has made application for a zoning permit to place a walk-in refrigerator beside the building. Mr. Servan received a response from Mr. Nace, the Zoning Officer, denying that request because it is not in compliance with Section 503 which specifies a 15 ft. sideyard requirement for a commercial property. Mr. Servan presented a sketch showing the property in question. Robin' Restaurants leases the rear portion of the fire house building, using their kitchen as a commissary. The sandwich production portion of the operation then flows into the walk-in refrigerator, which is presently on-site, and then into the building. Rovin' Restaurants has "traded" a portion of their parking in the front of their building with the fire company for a portion of the parking behind their building. In the event of an emergency, this allows the fire department the ability to park in front of the firehouse, instead of parking in the rear lot.

Mr. Servan wished to make a correction to his Zoning Permit Application. The application asks for the measurement for the existing sideyard setback and the proposed sideyard setback. The proposed sideyard setback is listed as 3 ft. 7 inches, and the existing sideyard setback is listed as 14 ft. 2 inches. Mr. Servan made an error when providing these figures. The correct existing sideyard setback should be 0 ft. 0 inches. It was only after submitting the application and doing a further study of the Zoning Ordinance, that Mr. Servan discovered that in Section 404, a use that is defined is "outside storage or display." Also, in Section 600 B, it defines non-conforming structures as "a structure or other location of a use," in this case - outside storage. This does not conform with the applicable dimension regulations including those relating to "yards" where it was lawfully in existence prior to the enactment of this Ordinance. Mr. Servan reminded the Board that Rovin' Restaurants has been in existence at this location since 1969. Continuously during that time, the business has used that area for outside storage in one form or another, for either storage sheds, lunch truck bodies, or cubicles. The applicant is now asking to alter the non-conforming structure from the use of "outside storage" to the use of "accessory building." Mr. Servan presented a statement signed by the officers and trustees of the Hilltown Fire Company, making a formal request

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to the Supervisors to grant approval to this proposal.

Since the Zoning Officer made a decision based on incorrect information, Solicitor Rice suggested the applicant resubmit the correct information to the Zoning Officer. The Board of Supervisors can not reverse a decision made by the Zoning Officer. If the applicant can not convince Mr. Nace that the revised information enables them to do what they have requested, Solicitor Rice advised an appeal must be made to the Zoning Hearing Board, who can waive and modify the Zoning Ordinance. When Mr. Servan discussed this matter with the Zoning Officer, Mr. Nace indicated that the applicant should make this request of the Board of Supervisors. Supervisor Bennington suggested Mr. Horrocks and Mr. Nace discuss this matter, and then meet with Servan. The Board was in agreement.

F. MANAGER'S REPORT - Mr. Bruce G. Horrocks -

1. Mr. Horrocks presented Bid #94-10 for salt, which was a joint bid between Hilltown Township and East Rockhill Township, for opening this evening. Mr. Horrocks explained both Townships can award independently, if they so desire. The bids were as follows:

Cargill Salt	\$ 36.85 per ton
Yardville Supply Co.	\$ 52.43 per ton
Morton Salt Co.	\$ 34.70 per ton
Oceanport Industries	\$ 38.10 per ton
Akzo	\$ 34.85 per ton

Mr. Horrocks recommended the Supervisors award the salt bid to Morton Salt Company.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to award Bid #94-10 for salt to Morton Salt Company, with the bid price of \$34.70 per ton.

2. Mr. Horrocks presented Bid #94-11 for re-pointing and brick replacement for the Hartzell-Strassberger Home, which is through the Bucks County Community Development Block Grant Funds. There are some federal requirements involved in this bid. The County, after the Supervisors award the bid, also approves the firm because they must be registered. Supervisor Fox requested that no award be made this evening until speaking with the Community Development Block Grant committee, since the bids may be higher than what funds are available. The bids were as follows:

Datum Restoration	\$ 42,000.00
D and A Masonry Restoration	\$ 310.00
Brite Maintenance Inc.	\$ 23,750.00
Palmer, Inc.	\$ 36,200.00

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Duall Building Restoration	\$ 53,000.00	
American Restoration Specialty	\$ 32,500.00	
Keystone Waterproofing Co.	\$ 31,443.00	*(qualified on replacing up to 100 face bricks)

Supervisor Fox requested authorization to take the bids to the Community Development office for their review and recommendation.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to authorize Supervisor Fox to take the bids to the Community Development office for their review and recommendation.

3. Mr. Horrocks presented seven Escrow Releases for the Board's authorization, two of which are cash:

Blooming Glen Mennonite Church	Voucher #01	\$ 559.34
Country Roads Phase I	Voucher #34	\$ 306.43
Pleasant Meadows Phase III	Voucher #41	\$ 542.18
Pleasant Meadows Phase III	Voucher #42	\$51,417.09
Stone Subdivision Lot #2 (cash)	Voucher #09	\$ 139.88
Stone Subdivision Lot #2 (cash)	Voucher #10	\$ 1,825.12
Telvil Corporation	Voucher #14	\$ 162.58

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to release the Escrows as specified above.

4. At the previous meeting, Mr. Horrocks advised the Board of the increase in the Foreign Fire Insurance, and made a preliminary recommendation to divide it equally among the seven fire departments, which would be an increase of \$641.00 for each department. Mr. Horrocks requests the Board's direction as to disbursement of the additional funds.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to make an equal distribution to the seven fire departments, which would be an increase of \$641.00 for each fire department.

5. A year ago, the insurance agent for Errors and Omissions for Public Officials and Law Enforcement Personnel convinced the Supervisors that we should switch from Scottsdale Insurance Company to General Star. Mr. Horrocks advised that Scottsdale Insurance, that year and the year before, had proposed a significant increase, while General Star's cost was significantly lower. Upon meeting with the same insurance agent this year, Mr. Horrocks was shown that the Public Official's insurance will be decreasing with General Star by approximately \$1,000.00 this year, however the Law

Enforcement insurance will be increasing with General Star this year. For 1995, the same insurance with General Star would be at a cost of \$14,000.00, whereas Scottsdale Insurance's cost for this year would be \$9,442.00. Mr. Horrocks explained if the Township were to go back with Scottsdale Insurance, we would be saving roughly \$5,000.00. There would be no change in legal representation and there would be no change to claims, past, present or future. Mr. Horrocks would recommend the Township return to Scottsdale Insurance for both Public Officials Liability and Law Enforcement Personnel policies.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize returning to Scottsdale Insurance Company for both Public Officials Liability and Law Enforcement Personnel policies.

6. Revised Berkheimer contracts have been received, written to a three year term that have, in Mr. Horrocks' opinion, addressed all the Solicitor's concerns from several months ago. If the Board approves the contract, Mr. Horrocks would like to have the document signed this evening. It is a 3 year contract with Berkheimer, at 2.55%. Currently we are paying 2.9%.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the 3 year contract with Berkheimer Associates at 2.55%.

7. The Township received correspondence from the deputy director of P.E.M.A. today, finally acknowledging the fact that Mr. William Devlin has been appointed by the Board of Supervisors as the Emergency Management Coordinator for Hilltown Township.

G. SOLICITOR'S REPORT - Mr. John Rice, Township Solicitor's Office -

1. Solicitor Rice presented the Development and Financial Security Agreements for Gro-N-Sell for the Board's approval, which also includes a withdrawal of their land use appeal. There is approximately \$25,000.00 in public improvements related to that project.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Gro-N-Sell Subdivision Agreement and Financial Security Agreement.

H. PLANNING - Mr. C. Robert Wynn, Township Engineer -

1. Finlayson Subdivision (Minor) - This plan received recommendation for approval by the Planning Commission at their meeting last week. The site is located on Rt. 152 and is Lot #6



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of the former Pheasant Ridge Subdivision. The lot contains 7.5 acres, with frontage on both Rickert Road and Rt. 152. There are no existing dwellings on either lot. The driveway on Rickert Road will service lot #1, and was installed and paved as part of the Pheasant Run Subdivision. That driveway will serve a dwelling on a lot containing 4.7 acres. Lot #2 will have a driveway access onto Rt. 152, and the PennDot permit has been issued for that driveway. The right-of-way of both Rt. 152 and Rickert Road was previously dedicated to the Township, and buffer trees were previously installed as well. Both lots will be served by an individual well and septic system.

The Planning Commission recommended approval subject to four conditions, including the installation of property pins and monuments and certification of that prior to plan recordation, approval from the Bucks County Conservation District for proposed erosion and sedimentation control measures, approval of Planning Modules by DER, and some minor drafting items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Finlayson Subdivision, with the conditions as specified by the Planning Commission and the Township Engineer.

2. Vasturia Subdivision (Minor) - The site is located on Upper Church Road, and is also a re-subdivision of the former David Lindsey Subdivision. This site proposes Lot #1 to contain 6.5 acres and an existing dwelling. Lot #2 is proposed as a 3.5 acre building lot. The plan also proposes a new driveway access on Upper Church Road and installation of street trees on Upper Church Road along the frontage of Lot #2. Lot #2 is to be served by an individual well and package treatment plant or stream discharge.

The Planning Commission has recommended approval of the plan with a number of conditions, including resolution of driveway detail for access to Lot #2, resolution of driveway permitting for Lot #1, installation of property pins and monuments, installation of street trees along the frontage of Lot #2, verification from the Bucks County Conservation District for erosion and sedimentation control measures, Planning Module approval from DER, and some minor drafting items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Vasturia Subdivision, with the conditions as specified by the Planning Commission.

In conjunction with this subdivision, Mr. Wynn noted there is a proposed package treatment facility for the dwelling on Lot #2. Mr. Wynn requests that the Board authorize the Township Solicitor to prepare the necessary operation and maintenance agreements and

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escrow for execution, so that the Act 537 Revision can be approved.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to prepare the necessary operation and maintenance agreements and escrow for execution for the Vasturia Subdivision.

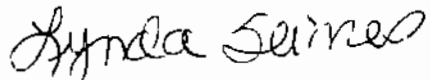
- I. ENGINEERING - None.
- J. RESIDENT'S COMMENTS: None.
- K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington corrected a statement he made during the Public Hearing held prior to this meeting where he said that the Rural Residential requirement for sheds was a 75 ft. setback. That is incorrect, there is a 75 ft. setback in Rural Residential zoning districts for garages, not sheds. Sheds are still 2 1/2 ft..

L. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.

M. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the October 24, 1994 Board of Supervisors Meeting was adjourned at 9:23PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

(\*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce Horrocks, Township Manager and Barbara Hefner, Administrative Secretary).

**TO: FILE**

**10/24/94**

**FROM: Ken Bennington**

**SUBJECT: SLANDEROUS STATEMENT - JACK FOX 9/26/94**

**MR. FOX:**

This note will officially put you on notice that you have made a slanderous statement about me, Mr. Kenneth Bennington (Vice Chairman of the Hilltown Township Board of Supervisors), at a public Hilltown Township Board of Supervisors meeting on September 26, 1994. To wit:

Page 24, paragraph 2, " You had five acres, and enough people got to my colleagues." (ie: Messrs. Bennington and Bennett)

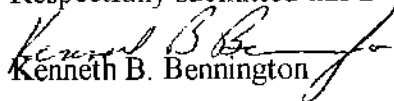
Page 25, paragraph 4, " people talked to the board, members of this board and there was a meeting" , " you didn't just pick it out of the air."

You refused repeated calls by me for you to retract these baseless statements, and you could not furnish any evidence or proof as to the factual validity of these statements.

Mr. Fox, you cannot continue to make wild unsubstantiated statements that impugn the integrity of honest people and allowed to go unchallenged. It will end NOW!

I have discussed this case with my personal attorney and he has advised me that I have two years from the time a slanderous statement is made about me to rectify the situation in court. If you at any time in the next two years make another slanderous statement about me , I will not only use that statement in my suit against you, but also this official record of the meeting of 9/26/94.

Respectfully submitted this 24th day of October 1994.

  
Kenneth B. Bennington